

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTINE GLENN,)	CASE NO.: 4:21-CV-02276
)	
Plaintiff,)	JUDGE: JOHN R. ADAMS
)	
vs.)	<u>AMENDED ANSWER OF</u>
)	<u>DEFENDANTS TO PLAINTIFF'S</u>
MICHELLE NICOLE FRENCHKO, et al.,)	<u>COMPLAINT</u>
)	
Defendants.)	
)	<u>(Jury Demand Endorsed Hereon)</u>

Now come Defendants, Michelle Nicole Frenchko and Trumbull County Commissioners, by and through counsel Mazanec, Raskin & Ryder Co., L.P.A., pursuant to Fed.R.Civ.P. 15(a)(1)(A), and for their amended answer to Plaintiff's Complaint state as follows:

1. Defendants admit the allegations contained in paragraph 1 of the Complaint.
2. Defendants admit that Defendant Frenchko is a public official and resident of Trumbull County, Ohio. Defendants deny all remaining allegations contained in paragraph 2 of the Complaint.
3. Defendants admit that the Board of Trumbull County Commissioners is a creature of statute whose responsibilities for Trumbull County are set forth by the Ohio Revised Code. Defendants deny all remaining allegations contained in paragraph 3 of the Complaint.
4. Defendants dispute that the "events" are as alleged by Plaintiff, but otherwise admit the allegations contained in paragraph 4 of the Complaint.
5. Defendants deny the allegations contained in paragraph 5 of the Complaint.

6. Defendants admit that the Court has personal jurisdiction over them, but Defendants deny the remaining allegations contained in paragraph 6 of the Complaint.

7. Defendants admit the allegations contained in paragraph 7 of the Complaint.

8. Defendants admit the allegations contained in paragraph 8 of the Complaint.

9. Defendants admit the allegations contained in paragraph 9 of the Complaint.

10. Defendants admit that Defendant Frenchko took office as a Trumbull County Commissioner on or about January 4, 2021. Defendants deny the remaining allegations contained in paragraph 10 of the Complaint.

11. Defendants deny the allegations contained in paragraph 11 of the Complaint.

12. Defendants deny that Defendant Frenchko made reference to age when observing that if Ms. Glenn could not perform the technology tasks requested of her, Ms. Frenchko wanted to hire someone who could perform those tasks. Defendants deny all remaining allegations contained in paragraph 12 of the Complaint.

13. Defendants deny, and/or deny for lack of knowledge or information, the allegations contained in paragraph 13 of the Complaint.

14. Defendants deny the allegations contained in paragraph 14 of the Complaint.

15. Defendants admit that Plaintiff was moved to another building in 2020 in order to facilitate social distancing requirements. Many months later, Plaintiff's supervisor observed that it was difficult to supervise Plaintiff remotely and assign her work, so Defendant Frenchko and Commissioner Mauro Cantalamessa met with the maintenance director who had obtained a quote for adding an office cubicle on the same floor of the commissioners' office. The building housing the commissioners' office also had bipolar ionizers installed to kills viruses whereas the building where Plaintiff was working did not. Ultimately, Plaintiff was not moved.

16. Defendants deny that Defendant Frenchko made defamatory or derogatory comments about Italian people, and Defendants deny for lack of knowledge or information that Plaintiff is of Italian descent.

COUNT ONE -- AGE DISCRIMINATION

17. Defendants reincorporate all of the foregoing responses to the allegations contained in paragraphs 1 through 16 of the Complaint.

18. Defendants deny the allegations contained in paragraphs 18 through 21 of the Complaint.

COUNT TWO -- ETHNIC DISCRIMINATION

19. Defendants reincorporate all of the foregoing responses to the allegations contained in paragraphs 1 through 22 of the Complaint.

20. Defendants deny the allegations contained in paragraphs 23 through 25 of the Complaint.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

2. *Farragher/Elterth* defense.

THIRD DEFENSE

3. Plaintiff has no damages and/or has failed to mitigate her damages.

FOURTH DEFENSE

4. These Defendants had legitimate, non-discriminatory reasons for the acts complained of by Plaintiff.

FIFTH DEFENSE

5. Defendant Frenchko does not have individual liability for the claims Plaintiff pleaded.

SIXTH DEFENSE

6. The Court lacks subject matter jurisdiction over some or all of Plaintiff's claims.

SEVENTH DEFENSE

7. Plaintiff failed to exhaust administrative remedies and/or failed to satisfy a condition precedent to suit. *See Exhibit A*, incorporated herein by reference.

EIGHTH DEFENSE

8. At all times, Defendants acted in good faith.

NINTH DEFENSE

9. Some or all of Plaintiff's claims are barred by the statute of limitations.

TENTH DEFENSE

10. The harassment of which Plaintiff complains was not severe or pervasive.

ELEVENTH DEFENSE

11. Plaintiff was not subjected to any adverse action.

TWELFTH DEFENSE

12. 42 U.S.C. 1981a imposes a \$50k cap on non-economic and punitive damages.

WHEREFORE, having fully answered, Defendants pray that Plaintiff's Complaint be dismissed, and that they may go hence without cost or delay.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/Kathleen M. Minahan

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*Counsel for Defendants Michelle Nicole Frenchko
and Trumbull County Commissioners*

JURY DEMAND

A trial by jury composed of the maximum number of jurors permitted under the law is
hereby demanded.

s/Kathleen M. Minahan

KATHLEEN M. MINAHAN (0064989)

EDMOND Z. JABER (0096355)

*Counsel for Defendants Michelle Nicole Frenchko
and Trumbull County Commissioners*

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, a copy of the foregoing Amended Answer of Defendants to Plaintiff's Complaint was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Kathleen M. Minahan

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